

Appl. No. 10/763,960  
Amendment dated September 14, 2005  
Reply to Office Action of March 16, 2005

**Replacement of the Drawings:**

The attached five pages of formal drawings following page 9 are to replace the informal drawings now on file.

Attachment: Five Replacement Sheets

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### **REMARKS/ARGUMENTS**

Applicant confirms the election of Claims 1 - 8 and 12 - 17 without traverse. The Examiner has objected to the wording in Claim 3 which no longer needs to be changed since Claim 3 is now dependent on Claim 2, and Claim 2 positively recites a top member.

The claims have been rejected under 35 USC 102. The Examiner has cited Hunter as anticipating Claims 1 - 3, 6 and 17. Applicant has amended Claim 1 to include a specific recitation to make it clear that the training device is not itself a hockey goal but is a training device disposed in front of a hockey goal a distance of 6 - 12 feet wherein the goalie stands in front of the hockey goal and behind the training device. Hunter is a goal apparatus with nothing in front of it, the object of which is to trap objects propelled against it therein. It has nothing that is in anyway equivalent to Applicant's puck-deflecting members as recited in Applicant's Claim 1. It specifically recites that "the goal itself should offer little, if any obstructions to approach shots from any direction;" (column 1, lines 40 - 41). Therefore Hunter teaches the antithesis of Applicant's training device since it is the primary object of Applicant's device to deflect hockey pucks at an angle from their original line of travel to make it more difficult for the goalie to catch or deflect them. Thus Applicant urges that Hunter is not capable of use in the manner that the Applicant's training device functions. With regard to Hunter, Claim 6 has been canceled, and Claim 17 is dependent on Claim 2 which is urged as allowable.

The Examiner has cited Doublet as teaching a device capable of use as a goalie training device. Again Doublet is a safety barrier and its bars 3 appear to be metal tubes which would not

deflect hockey pucks in a similar manner to the flexible chains, cables, ropes and wires now included in amended Claim 1. Doublet is a barrier to keep people on one side thereof for crowd control. If a hockey puck were shot at the barrier of Doublet, it would more likely be deflected back toward the shooter which action defeats the object of the goalie training device of the present invention. Further, Doublet does not teach a base deflector as it does not have an upwardly angled planar surface with angle members disposed thereon. If a hockey puck were to hit stands 4 or 5 of Doublet which are not planar members, it would not continue to the other side of Doublet but would be rebounded backward to the direction from which it was shot. The Examiner has cited Bilby et al. as anticipating Claims 1 - 3, 6 and 15. Bilby et al. is also a crowd control barrier and for the same reasons that Doublet is not relevant prior art, the same holds true for Bilby et al. There are no flexible hanging members to deflect the travel of a hockey puck passing therethrough, and there is no planar surface to form a base deflector.

The Examiner has cited Scully against Claims 1 - 3, 6 and 15. Scully is a training device for a pitcher to throw a ball within the opening formed between horizontal and vertical elastic cords. The object of Scully is for the ball to pass through the opening and not to strike the cords. Scully teaches in column 1, line 46 that one of its objects is to avoid the problems with a hard-sided opening wherein "an errant ball striking the target can be deflected, ricochet up into the face and causing injury." The whole point of Scully is to provide flexible cords with shock-absorbing elastomeric members and/or springs such that when an errant ball strikes the target structure, it only minimally disrupts the trajectory of the ball. Again, this teaches the

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opposite of the training device of the present invention which structure, as claimed, is specifically to change the direction of movement of the hockey puck passing therethrough to make it more difficult for the goalie to catch or deflect it.

The Examiner has also rejected Claims 1 - 3, 15 and 16 under 35 USC 102 as being anticipated by Chittenden. Chittenden does not teach puck-deflecting members but is in fact a target and it is not disposed in front of a hockey goal. The object of Chittenden is for discs to be thrown at the target and to be trapped within the target. Specifically, the structure is designed to prevent objects from bouncing off instead of being captured. Therefore there is no object of hockey pucks traveling through this device to be deflected when coming out the other side. Chittenden teaches that the objects striking the target are to be captured therein and do not pass therethrough.

The Examiner has cited Hunter in view of Chittenden against Claims 4 - 6, 12, 15 and 17 under 35 USC 103. Claims 4 - 6 and 12 have been canceled, and Claims 15 and 17 are dependent on Claim 2 as amended which is urged as allowable. Hunter does not teach a training device and even if the trapping means 18 of Hunter were replaced with the chains of Chittenden, it would still be a goal and not a training device placed in front of a hockey goal, as discussed above. The distance between Applicant's puck-deflector members is not based on cost or mere design choice but has been found to provide for the best puck passage and deflection action, and wider or narrower spacing will not work as well nor has the Examiner presented any prior art

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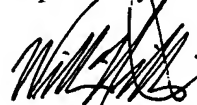
teaching the specific spacing claimed. Merely making Hunter more durable by adding chains would still not make it suitable as a goalie training device.

The Examiner has further cited Chittenden against Claims 4 and 5, but those claims have now been canceled. The Examiner has indicated that Claims 7, 8, 13 and 14 are allowable subject matter if rewritten in independent form. Claim 7 has been rewritten in independent form including all the limitations of the base claims. Claim 8 is dependent on Claim 7 so it is urged that these claims are allowable. Claims 13 and 14 have been canceled.

It is further urged that amended Claim 1 and Claims 2, 3, 15 and 17, being dependent in a chain thereon, are allowable. The limitations added to Claim 1 help distinguish it from all of the cited prior art, and it is urged that all pending claims be allowed and that a Notice of Allowance issue in due course.

Applicant has included formal drawings to replace the informal drawings now on file. The Examiner is requested to approve replacing the informal drawings with the attached formal drawings.

Respectfully submitted,



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